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LAKE COUNTY
FILED FOR RECORD

2004 038746

2004 038746

Form T-3
8/98

**TEMPORARY HIGHWAY EASEMENT GRANT
(FOR CONSTRUCTION OF A DRIVEWAY)**

TITLE ACQUIRED BY :

INSTR. # 98026405
03/26/1998

Project: NH-019-4(017)
Code: 3843
Parcel: 5B and 5C
Page: 1 of 3

THIS INDENTURE WITNESSETH, That John St. LLC, an Illinois Limited Liability Company

the Grantor(s), of LAKE, County, State of INDIANA grant(s) to the **STATE OF INDIANA**, the Grantee, for and in consideration of the sum of One Thousand Seven Hundred and 00/100----- Dollars (\$ 1,700.00) (of which said sum \$ 0.00 represents land temporarily encumbered and improvements acquired and \$ 1,700.00 represents damages) and other valuable consideration, the receipt of which is hereby acknowledged, a temporary easement to enter upon and have possession of the Real Estate of the Grantor(s) for the purpose driveway construction which said work is incidental to the construction of that highway facility known as US 41 and as Project NH-019-4(017), which said Real Estate situated in the County of Lake, State of Indiana, and which is more particularly described in the legal description attached hereto as Exhibit "A" which is incorporated herein by reference, which said temporary easement shall be extinguished, become void and revert to the Grantor(s) and/or the Grantor(s) successor(s) in title upon completion of the said Project. The said extinguishment shall be evidenced by a release document, which shall be executed and recorded by the Grantee at no cost to the Grantor(s).

STOP
This Document is the property of
the Lake County Recorder!

Interests in land acquired by the Indiana
Department of Transportation
Grantee mailing address:
100 North Senate Avenue
Indianapolis, IN 46204-2219
I.C. 8-23-7-31

This Instrument Prepared By

ANNE M. O'CONNOR
ATTORNEY AT LAW
Attorney at Law

TRANSACTION EXEMPT FROM SALES
DISCLOSURE REQUIREMENTS UNDER
IC6-1-1-5-5



FILED

MAY 7 2004

STEPHEN R. STIGLICH
LAKE COUNTY AUDITOR

000511

N/C
LP

Project: NH-019-4(017)
Code: 3843
Parcel: 5
Page: 2 of 3

Any and all timber, shrubbery, fences, buildings and any other improvements situated within the area of the temporary easement granted herein shall become the property of the State of Indiana except:

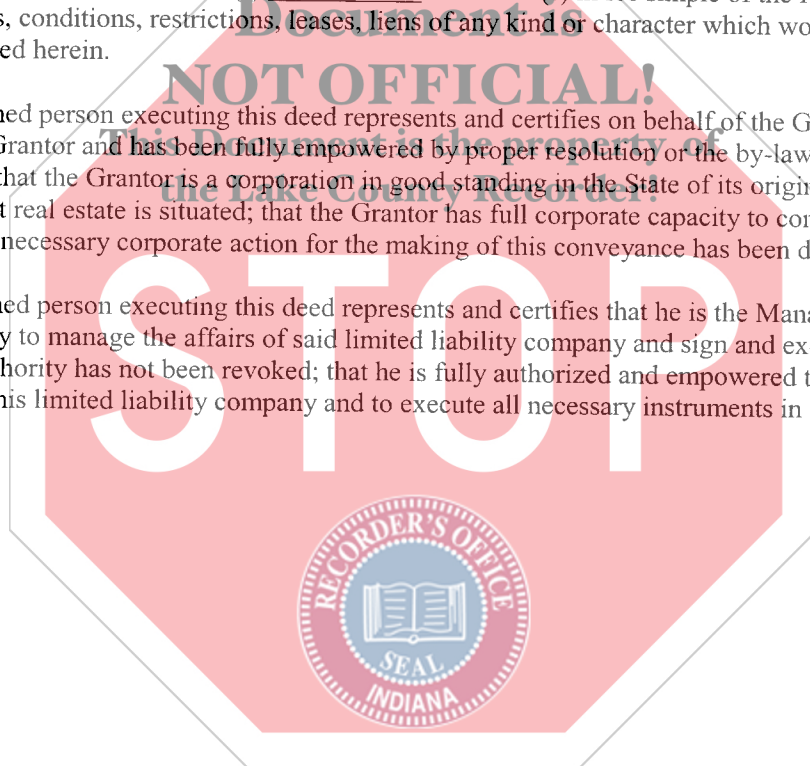
NONE

The said Grantor(s) acknowledge(s) that all provisions of this grant of temporary easement are as stated and set forth herein and that no verbal agreements or promises exist with respect thereto.

This temporary conveyance is subject to any and all easements, conditions and restrictions of record. However, the said Grantor(s), for the purpose of inducing the State of Indiana to accept this grant and to pay the hereinbefore referenced consideration, represent(s) that the Grantor(s) _____ is _____ the owner(s) in fee simple of the Real Estate and that there exist no encumbrances, conditions, restrictions, leases, liens of any kind or character which would be inconsistent with the temporary rights granted herein.

The undersigned person executing this deed represents and certifies on behalf of the Grantor, that he is a duly elected officer of the Grantor and has been fully empowered by proper resolution or the by-laws of the Grantor, to execute and deliver this deed; that the Grantor is a corporation in good standing in the State of its origin and, where required, in the State where the subject real estate is situated; that the Grantor has full corporate capacity to convey the real estate described; and that all necessary corporate action for the making of this conveyance has been duly taken.

The undersigned person executing this deed represents and certifies that he is the Manager of the Grantor and that he has the full authority to manage the affairs of said limited liability company and sign and execute documents on its behalf, and that his authority has not been revoked; that he is fully authorized and empowered to convey to the State of Indiana real estate of this limited liability company and to execute all necessary instruments in connection therewith.

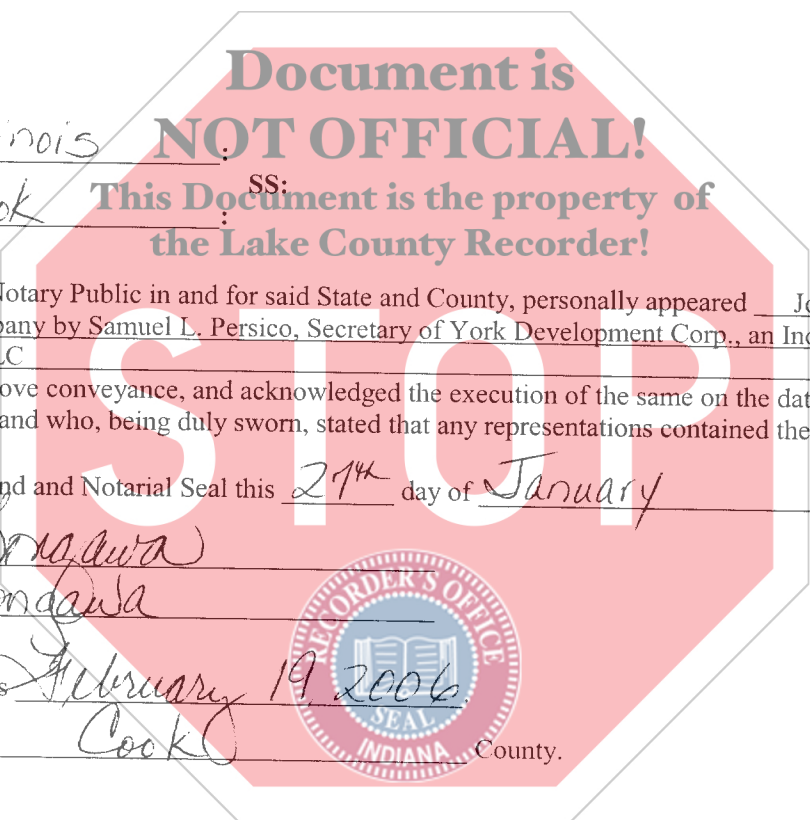


Project: NH-019-4(017)
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IN WITNESS WHEREOF, the said Grantor(s) ha s executed this instrument this 29th day of January, 2004.
John St. LLC, an Illinois Limited Liability Company

Samuel L. Persico
Signature

Samuel L. Persico, Secretary of York Development Corp., an Indiana corporation, Manager of John St. LLC
Printed



STATE OF Illinois
COUNTY OF Cook

Document is NOT OFFICIAL!

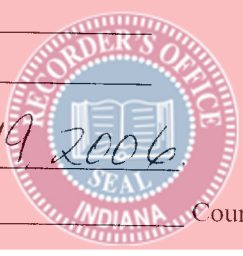
This Document is the property of the Lake County Recorder!

Before me, a Notary Public in and for said State and County, personally appeared John St. LLC, an Illinois Limited Liability Company by Samuel L. Persico, Secretary of York Development Corp., an Indiana corporation, Manager of John St. LLC the Grantor(s) in the above conveyance, and acknowledged the execution of the same on the date aforesaid to be its voluntary act and deed and who, being duly sworn, stated that any representations contained therein are true.

Witness my hand and Notarial Seal this 29th day of January, 2004.
Susan Longawa
Printed Name

My Commission expires February 19, 2006

I am a resident of Cook County.



OFFICIAL SEAL
SUSAN LONGAWA
NOTARY PUBLIC, STATE OF ILLINOIS
MY COMMISSION EXPIRES: 02/19/06

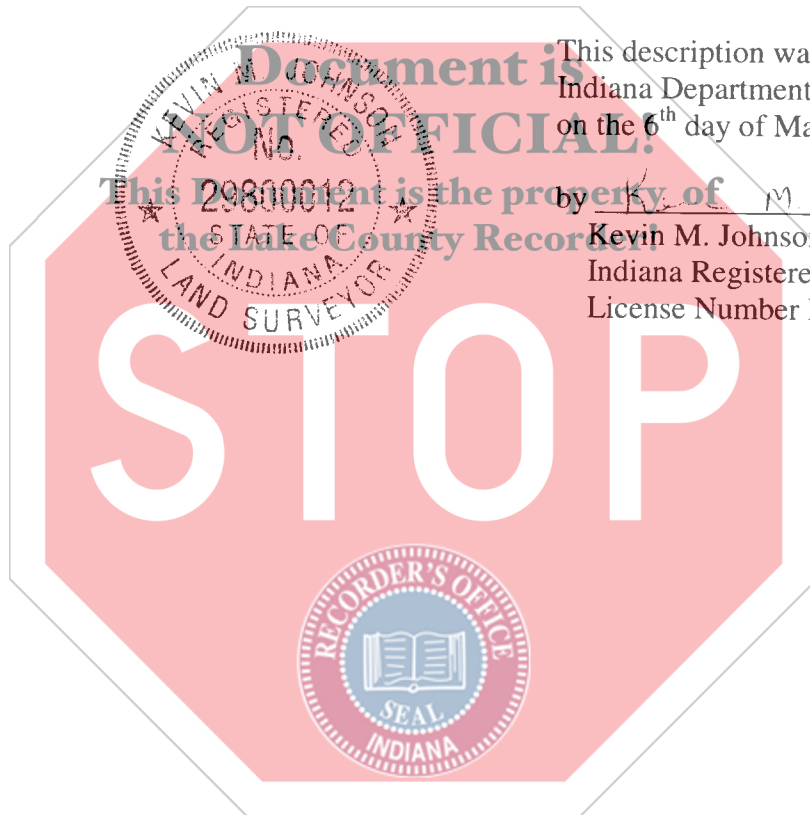
EXHIBIT "A"

**Project NH-019-4(017)
Code 3843**

Sheet 1 of 2

Parcel 5B Temporary Right of Way for Drive Construction

A part of the Lot 2 in 93rd and Patterson 2-Lot Subdivision, Indiana, the plat of which is recorded in Plat Book 82, page 82, in the Office of the Recorder of Lake County, Indiana, described as follows: Beginning on the east line of said lot South 2 degrees 12 minutes 14 seconds East 61.812 meters (202.79 feet) from the northeast corner of said lot; thence continuing South 2 degrees 12 minutes 14 seconds East 15.000 meters (49.21 feet) along said lot line; thence South 87 degrees 47 minutes 46 seconds West 2.760 meters (9.06 feet); thence North 2 degrees 12 minutes 14 seconds West 15.000 meters (49.21 feet); thence North 87 degrees 47 minutes 46 seconds East 2.760 meters (9.06 feet) to the point of beginning and containing 0.0041 hectares (0.010 acres), more or less.



This description was prepared for the Indiana Department of Transportation on the 6th day of March, 2002

by Kevin M. Johnson
Kevin M. Johnson
Indiana Registered Land Surveyor
License Number LS29800012

EXHIBIT "A"

**Project NH-019-4(017)
Code 3843**

Sheet 2 of 2

Parcel 5C Temporary Right of Way for Drive Construction

A part of the Lot 2 in 93rd and Patterson 2-Lot Subdivision, Indiana, the plat of which is recorded in Plat Book 82, page 82, in the Office of the Recorder of Lake County, Indiana, described as follows: Commencing at the northeast corner of said lot; thence South 88 degrees 37 minutes 16 seconds West 1.760 meters (5.77 feet) along the north line of said lot; thence South 2 degrees 12 minutes 14 seconds East 5.837 meters (19.15 feet) to the point of beginning of this description: thence continuing South 2 degrees 12 minutes 14 seconds East 12.000 meters (39.37 feet); thence South 87 degrees 47 minutes 46 seconds West 2.000 meters (6.56 feet); thence North 2 degrees 12 minutes 14 seconds West 12.000 meters (39.37 feet); thence North 87 degrees 47 minutes 46 seconds East 2.000 meters (6.56 feet) to the point of beginning and containing 0.0024 hectares (0.006 acres), more or less.



Document is NOT OFFICIAL!
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by Kevin M. Johnson
Kevin M. Johnson
Indiana Registered Land Surveyor
License Number LS29800012

CONSENT OF TENANT

WALGREEN CO. (the "Tenant"), as holder of a leasehold interest in the real property described in the Temporary Construction Highway Easement Grant to which this Consent is attached, hereby consents to the execution and recording of said instrument, and agrees that Tenant shall be bound by this instrument.

IN WITNESS WHEREOF, Tenant has caused this instrument to be signed by its duly authorized Officers on its behalf, all done in Deerfield, Illinois on this 5 day of ~~January~~ February 2004.

WALGREEN CO.

By: *Robert M. Silverman*

Name: Robert M. Silverman

Title: Div. V.P.

ATTEST:

Witness *Don Mason, Don Mason*

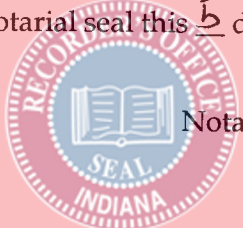
Witness *Dar V. Osmond, Darin V. Osmond*

STATE OF Illinois
COUNTY OF Lake

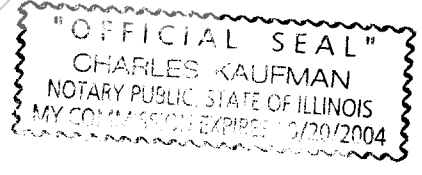
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I, *Charles Kaufman*, a Notary Public in and for said County, in the State aforesaid, do hereby certify that *Robert M. Silverman*, who subscribed to the foregoing instrument as an Officer of WALGREEN CO., appeared before me this day, in person, and acknowledged that he signed and delivered the said instrument as his own free and voluntary act and as the free, voluntary and duly authorized act of said Corporation, for the uses therein set forth.

GIVEN under my hand and notarial seal this 5 day of February, 2004.



Charles Kaufman
Notary Public



CONSENT OF LENDER

In consideration of the promises, agreements and undertakings of John St. LLC, an Illinois limited liability company as contained in the foregoing Temporary Highway Easement Grant (For Construction of a Driveway), and the sum of Ten and No/100 Dollars (\$10.00) in hand paid, and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, ORIX Capital Markets, LLC, as Special Servicer for Wells Fargo Bank Minnesota, NA f/k/a and successor by merger to Norwest Bank Minnesota, NA, Trustee ("Lender"), as the holder of the Promissory Note and first lien Mortgage on the Property legally described on Exhibit "A" attached hereto and incorporated herein ("Property"), hereby consents to, approves of and agrees to be bound by all of the terms, covenants, warranties, representations and conditions of the foregoing Temporary Highway Easement Grant (For Construction of a Driveway).

IN WITNESS WHEREOF, the undersigned Lender has executed this Consent this 22nd day of January 2004.

Date: 1/22/04

LENDER:

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WELLS FARGO BANK MINNESOTA, NA F/K/A AND SUCCESSOR BY MERGER TO NORWEST BANK MINNESOTA, NA, TRUSTEE

By: ORIX Capital Markets, LLC, as Special Servicer

By: David S. Baswell

Name: David S. Baswell

Its: Loan Servicing Manager

ATTEST:

By: [Signature]

Its: Recorder Manager



EXHIBIT "A"

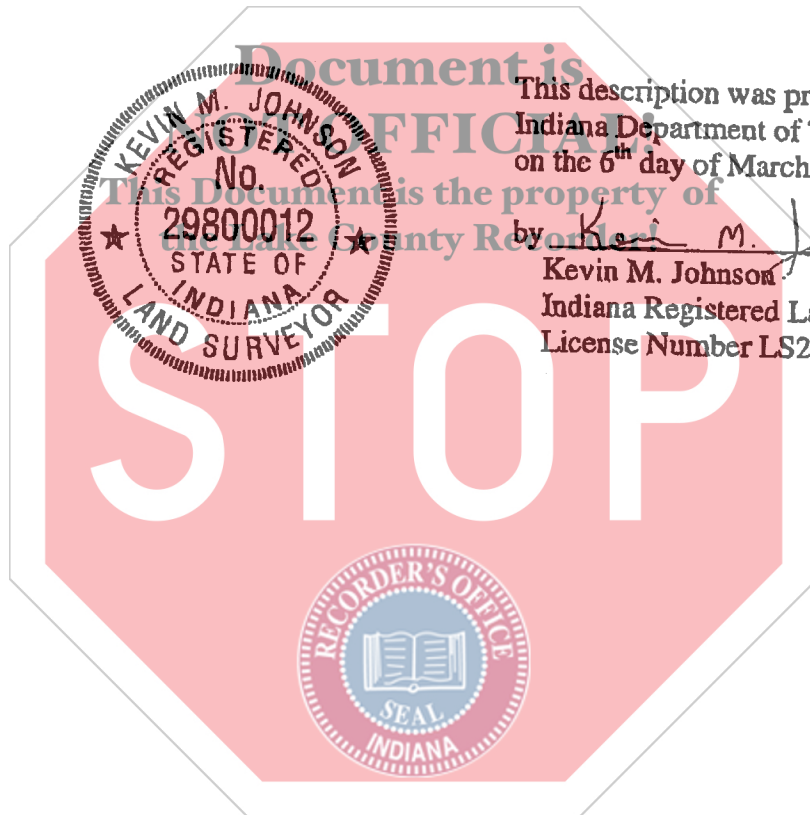
Project NH-019-4(017)

Code 3843

Sheet 1 of 2

Parcel 5B Temporary Right of Way for Drive Construction

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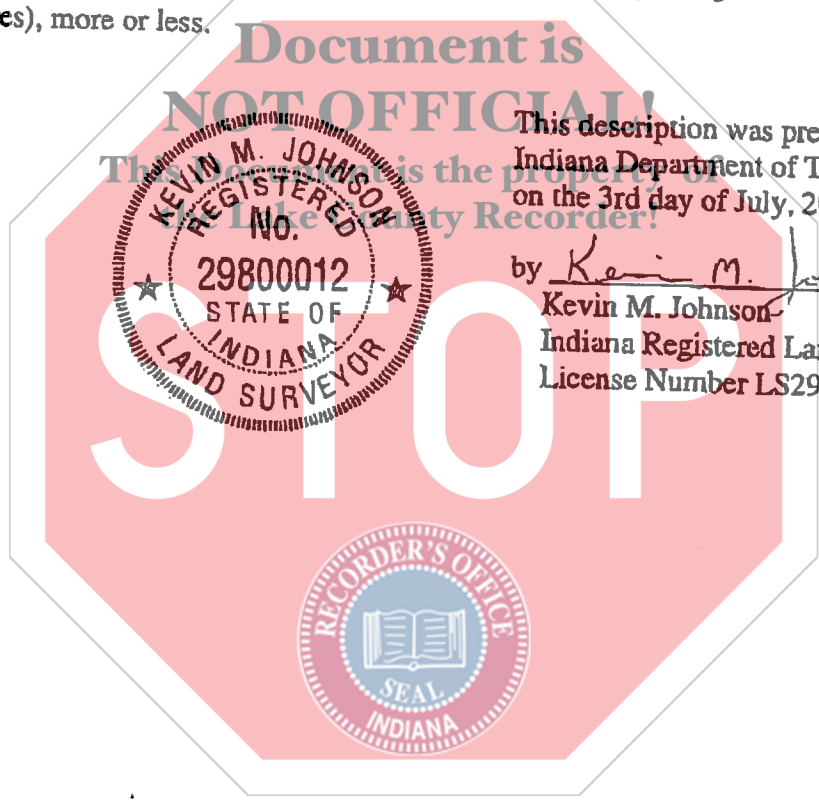
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Sheet 2 of 2

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